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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/000,268	11/02/2001	William E. Mazzara	GP-301244 2760/22	9150

7590 04/05/2005

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EXAMINER
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NGUYEN, DAVID Q

ART UNIT	PAPER NUMBER
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2681

DATE MAILED: 04/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

**Application No.**

10/000,268

**Applicant(s)**

MAZZARA, WILLIAM E.

**Examiner**

David Q Nguyen

**Art Unit**

2681

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
  - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
  - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
  - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claim(s) 21-24 are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

1. A mistake was found on the previous Office Action sent 03/01/05. This Office Action substitutes the previous Office Action.

#### ***Election/Restrictions***

2. Newly submitted claims 21-24 directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

The originally presented invention drawn to the system having a first band and second band, and selecting a secondary channel in the second band that is not in the system access list portion in response to a failed connection notification from channels in the first band in the system access list portion.

Claim 21 drawn to attempting loading a connection number for a call center service in response to the carrier not being a preferred carrier after determining a lowest priority system identifier and a next lowest priority system identifier.

Claims 22 drawn to attempting to obtain a service connection after the first attempting using the band with the carrier associated with the highest priority and the next attempting using the band with the carrier associated with the next highest priority.

Claim 33 drawn to initiating an acquisition attempt using a channel with the wireless carrier and a channel with a second wireless carrier without priority.

Claims 24 drawn to loading a connection number for a call center service.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution

Art Unit: 2681

on the merits. Accordingly, claims 21-24 are withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

### ***Response to Arguments***

3. Applicant's arguments filed 12/01/04 have been fully considered but they are not persuasive.

In response to applicant's Remarks, applicants argue: "As Molne in view of Kakinuma does not teach or suggest each and every element of the claims".

Examiner respectfully disagrees because Molne (US 5999811) in view of Kakinuma clearly discloses each and every element of the claims 1, 11 and 16. Molne (US 5999811) discloses prioritizing a portion of a system access list based on a channel identifier in a first band (see col. 4, lines 38-64, AMPS Band); selecting a secondary channel that is not in the system access list portion when a mobile station roams from a system to another system (see col. 4, lines 38-64, PCS A Band or B Band). Kakinuma et al. discloses selecting a secondary system in response to a failed connection notification; connection notification comprises a rejection of a call origination and a rejection of an attempt to register with a carrier; originating a call request with another system (see col. 5, lines 4-10 and lines 58-62 and col. 5, line 63 to col. 6, line 5). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide selecting a secondary system in response to a failed connection notification, connection notification comprises a rejection of a call origination and a rejection of an attempt to

Art Unit: 2681

register with a carrier, originating a call request with another system of Kakinuma et al. to the method and system of Molne so that user can be informed roaming system in the list.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-6,8-11,13-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molne (US 5,999,811) in view of Kakinuma et al. (US 5,983,097).

Regarding claims 1,8,11,13,16 and 18, Molne discloses a method, a computer usable medium including a program and a wireless service connection system for providing a wireless service connection for a mobile phone comprising: computer program code of providing a wireless service connection for a mobile vehicle comprising: prioritizing a portion of a system access list based on a channel identifier in a first band (see col. 4, lines 38-64, AMPS Band); selecting a secondary channel that is not in the system access list portion when a mobile station roams from a system to another system (see col. 4, lines 38-64, PCS A Band or B Band). Molne does not disclose selecting a secondary channel that is not in the system access list portion in response to a failed connection notification from channels in the system access list portion; connection notification comprises a rejection of a call origination and a rejection of an attempt to register with a carrier; originating a call request with a contract carrier. However, Kakinuma et al. discloses selecting a secondary system in response to a failed connection notification from

Art Unit: 2681

channels in the system access list portion; connection notification comprises a rejection of a call origination and a rejection of an attempt to register with a carrier; originating a call request with another system (see col. 5, lines 4-10 and lines 58-62 and col. 5, line 63 to col. 6, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Kakinuma et al. to Molne so that user can select roaming system in the list as wanted.

Regarding claims 2-6, the method of Molne in view of Kakinuma et al. also discloses wherein the portion of the system access list corresponds to a geographical area in proximity to the channel identifier (see abstract and col. 4, lines 38-64 of Molne); wherein the system access list is comprised of a plurality of records corresponding to a plurality of wireless carriers (see abstract and col. 4, lines 38-64 of Molne); wherein the secondary channel corresponds to a secondary contract carrier (see abstract and col. 1, lines 63-65, col. 4, lines 38-64, col. 5, line 61 to col. 6, line 20 of Molne); wherein the secondary channel is in a second band (see abstract and col. 1, lines 63-65, col. 4, lines 38-64, col. 5, line 61 to col. 6, line 20 of Molne); wherein the secondary channel is a non-preferred channel (see abstract and col. 4, lines 38-64 of Molne); registering a mobile phone with a contract carrier (see abstract and col. 4, lines 38-64 of Molne).

Regarding claims 9-10, 14-15, and 19-20, the method of Molne in view of Kakinuma et al. also discloses switching from an analog band to a digital band and a system to another system in response to a failed connection notification on a channel (see explanation in claim 1). It is apparent that switching from an analog band to a digital band and a system to another system in response to a failed connection notification on a channel of the method of Molne in view of Kakinuma et al. is equivalent with switching to an analog band in response to a failed connection

Art Unit: 2681

notification on the secondary channel. The method of Molne in view of Kakinuma et al. does not disclose accessing a contract carrier using a cleared connection number in response to a failed connection notification on the secondary channel; accessing a channel in the analog band using a cleared connection number. However, Official notice is taken that accessing a contract carrier using a cleared connection number in response to a failed connection notification on the secondary channel; accessing a channel in the analog band using a cleared connection number so that user can make a call within areas built analog system. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching to the method so that user can make a call and an emergency calls can be made anywhere.

5. Claims 7,12, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Molne (US 5,999,811) in view of Kakinuma et al. (US 5,983,097) and further in view of Lintulampi (US 6,377,804).

Regarding claims 7,12, and 17, the method of Molne in view of Kakinuma et al. does not mention registering a mobile phone with a contract carrier. However, Lintulampi discloses registering a mobile phone with a contract carrier (see col. 2, lines 40-60). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the above teaching of Lintulampi to the method of Molne in view of Kakinuma so that user can access the contract system.

### ***Conclusion***

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

Art Unit: 2681

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

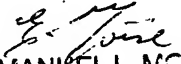
Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Nguyen whose telephone number is 703-605-4254. The examiner can normally be reached on 8:30AM-5:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Moise Emmanuel can be reached on 703-306-0003. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DN

David Nguyen

  
EMMANUELL L. MCISAAC  
PRIMARY EXAMINER